The
Third Report
of the

Nova Scotia Criminal Injuries Compensation Board

administering

The Compensation for Victims of Crime Act

for the calendar year January 1, 1983 to December 31, 1983

Department of
Attorney General

84- 4805

The Board is required by Section 5(1) of the Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report on its transactions during the preceding year.

Legislation

The legislation under which the Board functions is the Compensation for Victims of Crime Act as set forth above. The Act came into force in Nova Scotia on the 12th day of May, 1981. By this Act the Board is required, upon application, when, in the Province of Nova Scotia, any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule of the Act, to provide compensation to the victim, the person responsible for the maintenance of the victim or, where the death of the victim has resulted, the victim's dependents. The Board is limited in the compensation award to the amount of a lump sum payment of $15,000.00 or, in the case of periodic payments, income from the capital sum of $50,000.00 and by a limitation period of one year and, of course, can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury, or if he was uncooperative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

Personnel

The Board, under the Attorney General, is responsible for the administration of the Act. It presently consists of the following: David J. Waterbury, Q.C., Chairman: Robert H. Bruce, C.A., Vice-Chairman; and Dr. Benson Auld, Board Member.

Any two members of the Board, one of whom must be the Chairman or Vice-Chairman, constitute a quorum. Pursuant to the Act, authority is given to the Board for the appointment of secretaries and investigators. Miss Anna Sipos was appointed Secretary-Clerk Reporter as of May 1, 1981, and Mr. Keith Hall joined the staff subsequently as an investigator. The office is located at 1660 Hollis Street, Centennial Building, 10th Floor, Halifax, Nova Scotia B3J 2V9.

Cost-Sharing

Awards made under the Act are cost-shared between the Federal Government and the Government of the Province of Nova Scotia. The contribution by the Federal Government amounts to fifty

percent of awards (net of any recoveries) to a maximum of ten cents per capita of the population of Nova Scotia.

Public Awareness

It continues to be the responsibility of the Board to make the public aware of its existence and authority. Large posters, together with a supply of explanatory brochures, have been printed and are displayed in hospitals, police stations and other public institutions. The various police forces throughout the Province have been provided with information and have all been visited either by the Chairman or by Mr. Hall. The media has been most cooperative and there have been a number of newspaper articles, as well as appearances on television and radio. There seems to have been some success in this regard which, as mentioned above, it an ongoing responsibility. Although hearings of the Board are open to the public generally, there are exceptions, the principle one being that it is improper for the Board to admit the public where the person whose act or omission caused injury or death has not been charged with a criminal offence or, if charged, has not been convicted.

Administration and Activity

Administrative responsibility and activities of the Board are increasing monthly.

During the calendar year, 147 applications were requested and of these, 112 were returned and processing was begun. Three were found to be ineligible on return. The Board held 100 hearings and awarded gross payments of $206,917.34.

Statistical records of cases considered by the Board and summaries of decisions are annexed hereto as Exhibits A and B.

Of the hearings conducted, 34 concerned females and 66 concerned male victims. It was known that 36 offenders had been drinking and 14 had not been drinking at or shortly before the time of injury. This information was not available for the remaining fifty. The breakdown according to age is as follows:

Under 19 years - 16 applications
19 to 40 years - 64 applications
41 to 65 years - 15 applications
Over 65 years - 5 applications

Seventeen of the hearings concerned thefts. The offender was identified in 74 cases and charged in 71 cases, and convictions were entered in 60 cases. Section 25 was applied in 19 instances, reducing or nullifying the award.

Subrogation

By Section 31(2), the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect of the injury and may maintain an action in the name of such person.

The typical offender within those cases is not a person of much affluence. Following its usual procedure, the Board has been able to recover $1,463.00 or 0.07%. The Board continues to assess its opportunities of recovery.

General

A considerably increased number of cases presented to the Board has provided it with a wider range of causes of injury. Of particular concern have been rape cases and cases of sexual assault on very young children. It is most difficult to arrive at a satisfactory figure for compensation by way of pain and suffering in this type of case. The Board has access to determinations made by other Boards, particularly the Board for the Province of Ontario. These determinations have been a valuable source of guidance.

The Board has, in an increasing number of cases, applied the restrictions set forth in Section 25 of the Act, which require that the Board shall look at any contribution made to his own injury by a victim. In these instances it has been the policy of the Board to consider the character and way of life of the victim prior to his injury if he has an extensive criminal record. The Board has cut back compensation or refused to compensate victims who have not co-operated with authorities, and particularly those who have failed to report themselves as victims of a criminal activity or to attend criminal trials or Board hearings.

The Board acknowledges a debt of gratitude to all court officials, police forces, hospitals, doctors and legal counsel involved in the presentation of the matters for its consideration. The police forces of the Province have been particularly co-operative in providing reports which are of very great value to the Board. Without those reports, much costly investigative procedure would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctors reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their clients affairs and the jurisdiction of the Board.

Exhibit A

1983 Statistics

Applications Requested		147
Applications Returned		112
Applications Ineligible		3
Applications Withdrawn		6
Hearings Completed		91
Hearings Not Completed		7
Awards by Consent		2
Gross Payment		$206,917.34
Average Award		$2,439.97
Out of 100 Applications	Female	34
	Male	66
Out of 100 Offenders		
Had been drinking	Yes	35
	No	14
	Unknown	50
Age of Victim	Under 19	16
	Age 19 to 40	64
	Age 41 to 65	15
	Over 65	5
Theft Related	Yes	17
	No	81
	Unknown	2
Offender	Identified	74
	Charged	74
	Convicted	60
	Unknown	9
Section 25 Applied	19 Applications	
Recovery	$1,463.00	

Exhibit B

Summary of Decisions
January 1, 1983 to December 31, 1983

1/82-33 - A female, 22 years of age, was assaulted on returning home from a tavern with her friend's former boyfriend, who choked her and threatened her. She suffered considerable mental trauma. Total award $1,000.00 (Pain and Suffering $500.00)

4/82-56 - The applicant, in his twenties at the time of his injuries, was studying to upgrade his employment. He was shot at fairly close range. The wounding was so severe as to completely devascularize the left foot. A number of operations have been performed and a bone graft has been inserted. The leg is now capable of supporting the applicant, but he has at least ten percent functional loss. Loss of past and future earnings indicate a permanent loss in excess of the $15,000.00 limit. The assailant was sentenced to two years less one day in a correctional institution. Total award $15,000.00 (Pain and Suffering $5,000.00)

7/82-87 - The applicant was struck and suffered severe injury, which rendered him permanently unconscious. This condition is expected to continue for an indefinite period. The assailants were given four and six years respectively in a federal institution. Lump sum $9,217.70, plus periodic payments of $501.25.

2/82-101 - The applicant, an 18 year old student, was struck while playing a pinball machine and knocked to the floor. He suffered a fractured nose and considerable dental injury. The assailant was charged and subsequently pleaded guilty to the offence of common assault contrary to Section 245(1). He was given probation for six months and ordered to perform one hundred hours of community service. Total award $1,411.65 (Pain and Suffering $1,000.00)

9/82-107 - The applicant, in his twenties, employed as a seaman in the Arctic area, was struck with a broken beer bottle while at a club. The left internal jugular vein and the left external jugular vein were completely severed, and a small hole was made in the left common carotid. He suffered extensive blood loss and showed no blood pressure or pulse on arrival at hospital. The assailant was convicted under Section 245(2)(a) of the Criminal Code of assault causing bodily harm, and at the time of the hearing was awaiting sentence. In the opinion of the Board, damages suffered by the applicant exceeded the Board's statutory sum of $15,000.00. Total award $15,000.00 (Pain and Suffering $6,000.00)

9/82-110 - This summary was included in the Second Annual Report and was at that time under appeal. As a result of the appeal, the applicant was awarded $1,530.00, including $1,500.00 Pain and Suffering.

10/82-115 - The applicant, a waitress 22 years of age, was the victim of assault, although the assailant was never apprehended. She suffered a fractured jaw, periorbital echymosis of the left eye and multiple facial abrasions. A piece of bone was removed from her jaw, she was placed in maxillomandibular fixation and the jaw was wired for six weeks. She suffered severe pain and the very considerable discomfort of having bars and wires placed through her mouth area. She was forced to rely on liquids for nourishment for five weeks. The award was reduced by the application of Section

25 because it was apparent that the applicant had been intoxicated at the time she was assaulted. The Board considers that she had thereby impaired her ability to take precautions, perceive and appreciate danger and that she had exposed herself to a greater risk of injury and made herself a target for attack. The total award was $1,247.00 (Pain and Suffering $1,200.00)

9/82-117 - The applicant was severely injured by assailants unknown to him. Because of his injury, he suffered a complete loss of memory of the event. The Board was assisted by an expert, who hypnotized the applicant and assisted him in recalling the events leading up to his injury. Award $11,535.00 (Pain and Suffering $2,000.00)

10/82-118 - The applicant, a 31 year old truck driver, was working as a security guard at a music festival. He was struck in the right side of his face by a person under the influence of alcohol or a drug. He suffered a fracture of the interior orbital margin on the right, which involved the floor of the right orbit constituting a blow-out fracture. There was a fracture of the right nasal bone with apparent medical displacement. The assailant was convicted under Section 245 of the Criminal Code, fined $500.00 and placed on six months probation. The applicant spent considerable time in hospital and lost much time at employment. He experienced severe pain and visual problems. He suffered loss of wages to the extent of $2,320.00 but was assisted by his community, who held a benefit for him and raised $900.00, which was deducted from the award. Total award $3,740.00 (Pain and Suffering $2,000.00)

11/82-120 - The applicant, 20 years of age, unemployed, was a student at upgrading school on Gottingen Street in Halifax. He was "jumped" on his way home from school by assailants who took his wallet and ran, followed by the applicant. One of the thieves turned, picked up a shovel and struck the applicant. He missed one day of school and suffered lacerations and some nervousness. The assailant was charged in Juvenile Court under Section 302(b) and sentenced to two years in the Nova Scotia School for Boys. Total award $150.00 (Pain and Suffering $120.00)

11/82-121 - The applicant, a student, age 19, was punched in the eye. He suffered laceration of the eye which was closed for a period of time. There were also dental damages. The assailant was convicted under Section 245(2) of assault causing bodily harm. Total award $450.00, including travel expenses $120.00 (Pain and Suffering $200.00)

11/82-123 - The applicant was assaulted in her store. She suffered from considerable trauma. She had also undergone other unfortunate events in the same period. Total award $2,099.45 (Pain and Suffering $1500.00)

11/82-124 - The applicant, a single woman, age 19 was the victim of rape. She experienced considerable emotional upset and was obliged to leave school. She was also infected with veneral disease. The Board applied Section 25, as in its opinion the applicant was most imprudent in her conduct and could not be held blameless for the injury she received. Total award $3,675.00 (Pain and Suffering $3,375.00)

11/82-128 - The applicant, in his forties and single, was employed as a cook. He was punched in the face, knocked to the ground and kicked. He suffered contusions and was subsequently operated on to remove encapsulated hematocele. Police were unable to apprehend the assailant. Total award $2055.00 (Pain and Suffering $1250.00)

12/82-129 - The applicant, a single male, age 30, suffered a fractured wrist and dental damage. The assailant was convicted under Section 245(2) of the Criminal Code and was ordered to pay a fine of $200.00. Total award $700.00 (Pain and Suffering $400.00)

12/82-132 - The applicant, 16 years of age, was assaulted at a fair by a man operating a booth. The assailant was charged under Section 245(2) of the Criminal Code and sentenced to pay a fine of $200.00. Part of the applicant's claim for damages was attributable to the cost of dental treatment, which were paid by other available funds. Total award $971.05 (Pain and Suffering $500.00)

12/82-133 - A 24-year-old single, unemployed male was assaulted by a companion and suffered a number of stab wounds to the chest and arms. He underwent surgery and made a satisfactory recovery, although he still has a large scar on the torso and forearm. The assailant was charged under Section 228(a) of the Criminal Code and was found guilty of the offence of assault causing bodily harm contrary to Section 245 of the same Code. He was fined $1,000.00. The Board reduced the award by the application of Section 25. Total award $1,106.65 (Pain and Suffering $849.52)

12/82-134 - This matter concerns the same applicant that was involved in claim 12/82-133. On the first of January, 1982, the applicant was serving as manager of a beverage room in Halifax. He was stabbed in the lower chest by a customer and had to undergo a splenectomy and other surgical procedures. His post-operative course was slightly prolonged as he suffered a fever related to a residual collection of blood within his left upper quadrant. The assailant was convicted of causing bodily harm contrary to Section 228(a) of the Criminal Code and sentenced to a term of two years. Total award $4,120.00 (Pain and Suffering $4,000.00)

12/82-137 - A married male living in the Halifax area was assaulted and suffered a concussion. His assailants were not identified. Total award $1,030.00 (Pain and Suffering $500.00)

12/82-138 - An 18-year-old student was assaulted, suffering an abrasion over the right eye requiring stitches, bruised ribs, other cuts and abrasions about the face and loss of an upper and a lower tooth. The assailant was not identified. The award of the Board included provision for a subsequent application with regard to further dental work, which may be found necessary. The Board, at this time, awarded a total of $1,078.00 (Pain and Suffering $500.00)

12/82-139 - A 22-year-old bricklayer was shot while hunting. His assailant was charged under Section 84(2) of the Criminal Code for careless use of a firearm. He was fined $50.00 and was prohibited from possessing a firearm for one year. Section 84 is not included in the list of offences in the Schedule to the Compensation for Victims of Crime Act. Information was received by the Board from the prosecuting officer that in his opinion the assailant was criminally negligent because he discharged a firearm when he was not certain what he was shooting at and did, therefore, show wanton or reckless disregard for the lives and safety of others, particularly the applicant. A criminal negligence charge was not laid against the assailant, however, in the discretion of the prosecuting authorities. The assailant had no previous criminal record and was very remorseful about the incident. The Board proceeded under Section 20(1), which provides that an order may be made whether or not any person has been prosecuted or convicted of the offence giving rise to the injury. The gunshot wound was to the hip and required a long stay in the hospital. The Board reduced the award by the application of Section 25. Total award $5,522.75 (Pain and Suffering $5,250.00)

12/82-140 - The applicant is the father of a deceased man who was shot in a hunting accident. The assailant subsequently died before any charge was laid. The police were considering a charge under Section 131 of the Lands and Forests Act and under Section 203 of the Criminal Code. The Board awarded funeral expenses in the amount of $2,655.00. (The Board is in the process of determining a lesser fixed maximum for funeral expenses.)

12/82-143 - A male office clerk in his twenties, was attacked and sustained numerous blows to the head and rib cage, including fracture of the left zygomatic arch and probable rib fractures. The assailants were not identified. Total award $2,735.00 (Pain and Suffering $2,500.00)

12/82-144 - The applicant, a middle-aged married man, was shot in the knee. At the time of the hearing there were still small residual fragments of lead throughout the knee. The patient underwent considerable outpatient physiotherapy and had a reasonable range of motion, but the limiting factor of movement of the knee will affect his future employability. The assailant, who pleaded guilty to an offence under Section 204 of the Criminal Code, was sentenced to one day in jail, two years probation and the loss of privilege of having a firearm for five years. Because the loss of ability to gain

employment by virtue of the disability was in excess of $15,000.00, the Board made the maximum award of $15,000.00. This did not include any compensation for pain and suffering.

12/82-145 - A female applicant in her forties was a victim of a false fire alarm in her apartment. She attempted to evacuate herself and her family from the premises which she considered to be consumed by fire. On her return to the premises, she suffered very severe pain in her left leg and was subsequently treated in hospital for decompression of the L5 root nerve and the obliteration of an arachnoid cyst on the SI nerve root. The Board received medical evidence, notwithstanding the presence of the cyst, that the applicant may well have had many years of trouble-free living and that the injury arose because of her vigorous movements in endeavouring to evacuate herself and her family from what she believed to be a dangerous situation. Despite investigation, no person has yet to be apprehended and charged with the offence pursuant to Section 393 of the Criminal Code. The applicant suffered considerable loss of wages. Total award $3,245.00 (Pain and Suffering $2,500.00)

1/83-149 - A 33-year-old male was assaulted while serving as a chaperone at a school dance. He suffered a broken nose and a torn nostril. The assailant was convicted under Section 245(2) of the Criminal Code and sentenced to four months in a correctional centre. Total award $829.00 (Pain and Suffering $350.00)

1/83-150 - The applicant, 27 years of age, works as an employee for a travelling show. He was shot in the home of his assailant with a 30/30 Winchester rifle. He suffered a serious gunshot would to his lower right leg, with a commuted fracture of the tibia, muscle damage, skin loss and irregular lacerations. The complicated treatment that was provided proved relatively successful, although he is left with a bad scar and some disability from the leg wound. Total award $6,113.00 (Pain and Suffering $5,000.00)

1/83-151 - The applicant was severely assaulted by her husband, who was sentenced to eleven weeks imprisonment as a result of conviction under Section 245(2) of the Criminal Code. She suffered multiple bruises under the right eye, right malar eminence, left orbital region, left thigh, mid-back and posterior scalp. This was followed by severe complications. The Board awarded the sum of $1,000.00, all Pain and Suffering.

1/83-154 - A 40-year-old single male was in an altercation with another man, who pushed him over the side of a car, causing injury to his neck. It was the opinion of the Board that the applicant exaggerated the effects of the altercation. Total award $500.00 (Pain and Suffering $150.00)

1/83-155 - A 16-year-old single girl was indecently assaulted. The assailant was charged under Section 149 of the Criminal Code and paid a fine of $400.00. Although not suffering physical injury, there was medical evidence that the applicant sustained a severe degree of psychological damage. Total award $780.00 (Pain and Suffering $750.00)

1/83-164 - A 71-year-old male, in poor health and equipped with an artificial hip, was knocked to the sidewalk in an attempted robbery. The injury received at the time of the assault aggravated a pre-existing condition, resulting in virtual disability. Award: periodic payments of $100.00 per month for additional expenses, and $1,000.00 for Pain and Suffering.

1/83-165 - The applicant, 33 years of age, was accosted while alone, attending store. She suffered no physical injuries but experienced considerable mental trauma. The assailant was convicted of robbery. A psychiatrist advised the Board that "any fearsome episode of that type takes perhaps eighteen months to get over, or to integrate." Award $500.00, all Pain and Suffering.

1/83-167 - A 24-year-old male serving as a doorman in a beverage room was stabbed by a customer in the course of his duties. He was seriously injured but made a complete recovery. No claim for loss of wages. Total award $837.75 (Pain and Suffering $700.00)

1/83-168 - A single female, 25 years of age, was punched by a male assailant and suffered extensive dental damage. The Board reduced the award pursuant to Section 25. Total award $450.00 (Pain and Suffering $400.00)

1/83-169 - The victim was a single male, 24 years of age. The offence took place at the Halifax Correctional Centre, where the victim was an inmate. He was struck from behind and knocked to the floor and kicked severely. It was apparent that this was an act of other inmates. Two prisoners were sentenced for assault causing bodily harm. They received sentences for eleven months each. The principle injury was an interocular hemorrhage and a retrobulbar hemorrhage. As a result, the applicant is capable of "one-eyed employment" only. He has permanent loss of central vision of the right eye to the extent that his vision is reduced to counting his fingers. The applicant has an extensive criminal record, which the Board considered a relevant circumstance. It therefore applied Section 25, reducing all awards by 40%. Total award $3,385.00, plus funds to the extent of $360.00 for future dental work upon proof that the victim paid 40% of the submitted invoice for future dental work. (Pain and Suffering $3,000.00)

1/83-172 - The applicant, a 60-year-old female, was assaulted in her home by a younger male, who disrobed her and attempted to have sexual intercourse with her. She went through a frightening

experience. Her assailant was convicted of causing bodily harm and sentenced to a term of eight years. Total award $5,282.40 (Pain and Suffering $3,000.00)

1/83-177 - This is the same applicant who was injured in the case number 1/83-176 (Summary in Disallowed Applications). This injury also took place in a tavern, but at a later date. The victim suffered a depressed fracture of the right side of the nasal bone. His assailant was fined $50.00. The assailant was well known to the victim and was familiar with his propensities for brawling. The Board is of the opinion the award should be reduced by 50% pursuant to Section 25. Total award $230.00 (Pain and Suffering $200.00)

3/83-179 - The applicant, a single, 25-year-old male, was assaulted and suffered a cut and fractured nose. The assailant was sentenced to serve four months in prison. Total award $570.50 (Pain and Suffering $350.00)

3/83-181 - The applicant, a female, single, 58 years of age, was the victim of a robbery. The robber struck her about the legs with a hockey stick and then escaped with two dollars. The applicant's legs were still hurting at the time of the hearing. The offender was not known or apprehended. Total award $550.00 (Pain and Suffering $500.00)

3/83-183 - The applicant, a taxi driver, was 23 years of age. He was struck with a pool cue. His assailant was convicted under Section 245(1)(b) of assault causing bodily harm and fined $100.00. The applicant suffered bruising and cuts in the area of the right eye and for a week he had considerable trouble with vision. He lost time from his employment due to the fact that he had to see a number of doctors. Total award $982.00 (Pain and Suffering $350.00)

3/83-184 - A 19-year-old female, a student, was serving as a clerk in a store when a man entered armed with a knife and demanded that she turn over to him the money in the till. The Board received medical advice that the applicant suffered a fear reaction and that her feelings were genuine, but that she would settle down and improve with time. The assailant was sentenced to two years in a federal institution. Total award $550.00 (Pain and Suffering $500.00)

3/83-185 - A single male, 21 years of age, employed as an apprentice to a contractor, was very drunk at the time of the injury. He suffered a serious stab wound from a broken bottle, causing laceration to his left cheek and other facial injuries. He has a permanent scar. The Board determined that because of the high degree of intoxication, the applicant was incapable of being reasonable and presented himself as a contemptible target to his assailant. The assailant received a two-year sentence less one day

for assault causing bodily harm contrary to Section 242(2) of the Criminal Code. The award was reduced by 50% because of the applicant's contribution pursuant to Section 25. Total award $1,443.45 (Pain and Suffering $1,000.00). Supplementary Order for payment of doctors reports $57.50.

3/83-187 - The applicant suffered a life-threatening stab wound to the heart and as a result went into a severe hypertensive shock-like state. Fortunately, he received excellent medical care and has recovered. His assailant was convicted of assault causing bodily harm, but at the time of the hearing a sentence was yet to be ordered. Total award $5,995.00 (Pain and Suffering $3,000.00)

3/83-189 - A divorced female, 45 years of age, was assaulted by her husband, who threatened her with death and confined her to a portion of her home for a number of hours. The assailant was convicted of assault causing bodily harm contrary to Section 245(2)(a) of the Criminal Code and sentenced to 36 months in a correctional centre. Total award $2,890.00 (Pain and Suffering $2,500.00)

3/83-192 - This is one of three cases of rape and assault committed by the same accused during the same general period of late summer/fall of 1981. This applicant was twenty years of age at the time of offence and was employed as a secretary. She was raped in her apartment by the accused, who was unknown to her at the time. She suffered nightmares and severe mental trauma. Total award $4,115.00 (Pain and Suffering $3,050.00)

3/83-198 - The applicant, 42 years of age, was employed as a labourer and part-time social club employee. He was assaulted by two young men. He suffered abrasions of the nose, forehead and scalp. The assailants were convicted under Section 245(2) of the Criminal Code and sentenced to three and five months at a correctional centre. Total award $700.00 (Pain and Suffering $400.00)

3/83/199 - The applicant, a 21-year-old male, was stabbed in the hand when he attempted to prevent his assailant, a female, from attacking him in the torso. The assailant was convicted of assault causing bodily harm and was, at the time of the hearing, awaiting sentencing. Total award $1,710.00 (Pain and Suffering $450.00)

4/83-205 - Matter settled by consent. Storekeeper assaulted in his store. Total award $430.00 (Pain and Suffering $400.00)

4/83-206 - The applicant, age 37, was employed as supervisor of a go-cart track and entertainment centre. He was struck with a steel pipe by two assailants, whom he had, in performing his duties, evicted from the go-cart area. The blow knocked him unconscious. He suffered severe injury to the head, ribs and right ankle. The first

assailant was convicted of assault causing bodily harm and imprisioned for 45 days. The second assailant was similarly charged and ordered to pay a fine of $500.00. Total award $3,974.00 (Pain and Suffering $700.00)

4/83-207 - A single woman, age 19, a student at university, was also employed as a part-time grocery store clerk. She was stabbed many times by a customer but managed to extricate herself and get assistance from neighbours. The assailant was sentenced to five years in a federal penitentiary after being charged under Section 222 of the Criminal Code. The applicant claimed for loss of clothing and pain and suffering. Total award $3,200.00 (Pain and Suffering $3,000.00)

4/83-209 - A 50-year-old small store operator was robbed and cruelly beaten in his store. The assailant's identity and whereabouts are unknown. The Board ordered compensation in the amount of $5,841.00 (Pain and Suffering $2,500.00)

4/83-210 - The applicant, a female student, age 24, was sexually assaulted in her apartment by a man who gained access to her apartment by climbing the fire escape and entering through her kitchen window. This was a very traumatic experience for the applicant. It resulted in the loss of a year at university. After the assault, she moved back in with her parents and later moved to an apartment which she shared with a roommate when she again began her studies a year later. The Board awarded $4,620.00 (Pain and Suffering $3,750.00)

4/83-211 - A woman employed as a clerk was assaulted when pregnant. She suffered chipped teeth, bruised and scraped knees, a laceration on the cheek and other bruises. Total award $1,550.00 (Pain and Suffering $1,200.00)

4/83-213 - The applicant, a 20-year-old single male, was in the company of others at an acquaintance's home, where they consumed a considerable amount of alcohol. The owner of the home had a snowmobile which his visitors had been driving that day. The applicant was interested in driving the snowmobile and presumed that he had the consent of the owner. He took the snowmobile for a ride through the community. Thw owner pursued the applicant on foot, as he did not want the applicant to drive it. When the applicant returned to the owner's home, the owner overpowered him kicking and punching. As a result the applicant required extensive dental repairs. The Board applied Section 25 reducing the award by 40% as it was felt he had contributed to his injury due to his involvement in drinking that day and not inquiring whether he had permission to use equipment not belonging to him. Total award $1,500.00 (Pain and Suffering $300.00)

5/83-214 - The applicant, a 12-year-old girl, had hitchhiked with a companion to an annual community fair in a rural area outside Halifax. While at the fair she tried to obtain a ride home and succeeded in getting a lift for both herself and her girlfriend with a man. He drove to a remote area, where he was met by approximately eight to ten males who sexually assaulted and raped the victim and her friend. The police force involved stated, "This has been one of the most severe and cruel gang-bang style rapes reported in Nova Scotia in recent years." A number of persons were charged, but only one man was convicted. Total award $6,432.00. (Pain and Suffering $5,500.00)

5/83-215 - A divorced woman, 43 years of age, was bitten by her daughter in an argument. The injury caused the applicant to suffer serious infection so that she had to spend two full months in hospital with an I.V. continuously in place. The applicant had been drinking and was responsible to the degree of 50% for her own injury. The Board reduced her claim for medical expenses and pain and suffering by one half, but the full claim of doctors and hospitals, submitted in support of the application and requested by the Board, were paid. Total award $1,105.00 (Pain and Suffering $900.00)

5/83-221 - The applicant, 24 years of age, a policeman, was assaulted in a tavern in Halifax by a person yet to be apprehended. He was struck with a bottle on the bridge of the nose. His nose was set and packed at the Victoria General Hospital. Dental work had to be performed as well, and an operation was necessary to correct the deviated septum. The victim was obliged to use sick-leave entitlement while absent from employment. The Board awarded $1,420.67. (Pain and Suffering $700.00)

5/83-222 - The applicant, a 6-year-old girl, was indecently assaulted by a young male. The assailant was convicted of an offence contrary to Section 246(1)(a) of the Criminal Code and placed on three years probation. A psychiatrist gave evidence of emotional trauma and behavioural difficulties experienced by the applicant. Total award $3,160.00 (Pain and Suffering $3,000.00)

5/83-224 - The applicant, a divorced male, 36 years of age, was intoxicated at the time of assault. He signalled for a ride home. The driver beat the applicant severely. He was charged with aggravated assault contrary to Section 245(1) of the Criminal Code, and was sentenced to pay a fine of $500.00, to spend two days in jail and was placed on probation for two months. The victim, after the assault, was taken to a local hospital and then by ambulance to the Victoria General Hospital in Halifax, where his injury was diagnosed as a blow to the head resulting in a depressed fracture of the right parietal bone as well as right orbital trauma as the result of a hammer blow. The victim's employment had been sporadic and no acceptable evidence was given as to loss of wages. Because of the victim's state of intoxication, the Board felt he was 50% responsible

for his own injury. The consensus was that there was little doubt that the victim might very well have avoided the injury altogether had he been sober. Total award $1,384.00 (Pain and Suffering $1,250.00)

5/83-232 - A girl, 8 years of age was, on a number of occasions, subjected to indecent assault from an elderly man in her home. The assailant had been charged with sexual assault as a result of his admissions to the police, but on appearance before Court he pleaded not guilty. The matter was adjourned for a hearing date, but the accused died in the interim. Medical advice was given that the girl should be allowed to get over this matter on her own. It is determined, therefore, at the present time counselling from a professional should not be sought in the hope that the child will be able to cope with the trauma. It appears that after the assault she suffered severe nightmares and continues to have nightmares. She also had some difficulty with children at school until her brother came to her aid; she is not now being teased as much by her peers. The Board awarded a total award of $2,045.00 (Pain and Suffering $2,000.00)

5/83-235 - The applicant, a single male, 24 years of age, became involved in an argument with his assailant and others at a tavern. During the altercation he was struck in the mouth and had to have dental repairs. He was caused some pain and suffering. The Board's award of $2,000.00 pain and suffering was reduced to $1,300.00 pursuant to Section 25 because of the applicant's involvement in the incident which led to the injury. Total award $1,600.00 (Pain and Suffering $1,300.00)

5/83-237 - A businessman, 59 years of age, was assaulted in his own home by thieves. He received a gunshot wound in the upper part of the left thigh resulting in the shattering of the femur. The muscles were shot away and the remaining muscles are affected. These muscles are scarred and stiff and the applicant will probably have to use a cane for the rest of his life. While a final court hearing had not taken place at the time of the Board hearing, it was apparent to the Board that a crime had been committed, and the Board proceeded, under Section 20, to conclude the award. Total award $6,227.90 (Pain and Suffering $6,000.00)

6/83-242 - A 29-year-old auto body worker, self-employed, was assaulted at a tavern after he had done considerable drinking. The applicant received a laceration on the chin and a laceration on the left forefinger, which removed the tip of the finger. He suffered loss of work, and his rate of performance was affected for a brief time. The Board applied Section 25 and reduced the award by 50% because of the applicant's own involvement. The assailant was sentenced to 18 months in a correctional centre and one year probation thereafter. Total award $442.00 (Pain and Suffering $150.00)

6/83-243 - The applicant is a single male, 20 years of age. Although he was under the age of nineteen at the time of the assault, the applicant confessed to being so drunk that he cannot remember what caused the argument which eventually resulted in his being injured. The applicant was stabbed during a drinking party and was admitted to Aberdeen Hospital suffering from a deep laceration of the palm and forearm, severed flexure muscles and tenderness of the left hand and arm. The applicant, fortunately, has recovered. Section 25 was applied to the extent of reducing the award by 75%. Total award $350.00 (Pain and Suffering $300.00)

7/83-247 - The applicant, a female university student, was attacked and struck numerous times in the head with a carpenters hammer. In an effort to ease the effect of the blows, she put her hands on top of her head and suffered injuries to her hands. Her assailant was considered insane at the trial, within the meaning of the law and Section 16 of the Criminal Code. The Board applied Section 20(2) and made a total award of $3,045.00 (Pain and Suffering $1,500.00)

7/83-248 - The applicant, a male 20 years of age, was kicked in the mouth; his teeth were seriously damaged. In anticipation of the blow, the applicant had raised his right hand to protect himself and was injured in the hand. The assailant was convicted of an offence contrary to Section 241(b) of the Criminal Code and released on probation and good conduct for a period of two years. Total award $1,074.95 (Pain and Suffering $150.00)

7/83-249 - A young woman was attacked while on the way to her apartment house from the parking lot. The assailant, over a period of two hours, made repeated forceful attempts to have sexual intercourse and to force the applicant to perform fellatio. She was able to prevent the accused from having sexual intercourse. Emotional stress, upset and mental aggravation will have long-term effects. Her assailant was given three years for unlawfully and indecently assaulting the applicant. Total award $3,300.00 (Pain and Suffering $3,000.00)

7/83-250 - The applicant, a divorced woman, 48 years of age, was involved in a drinking party with a number of people, including the man who subsequently assaulted her. She suffered multiple lacerations of the scalp and neck, bruises across the back, very severe bruising of the vulva and anal area, and multiple bruising about the legs, all of which were the result of being beaten by chains. The applicant was disabled for about four weeks because of the injury but has fully recovered. The applicant had voluntarily involved herself with a group whom she knew were inclined to drink in excess and should have known that the impairment which follows such occupation frequently leads to acts of violence. The Board applied Section 25 and reduced the award by 60%. Total award $600.00 (Pain and Suffering $400.00)

8/83-251 - The applicant, a man 69 years of age, was brutally assaulted by two young men who came to his home. He suffered head injury and injury to his back, chest, both arms and abdomen. He suffered for a long time from dizziness and is still uncomfortable. He was badly shaken by the whole affair and suffered a moderate degree of psychological trauma. The assailants were charged with robbery under Section 303 of the Criminal Code and given two and three years in a federal institution. Total award $800.00 (Pain and Suffering $750.00)

7/83-256 - The applicant, a man 29 years of age, was unemployed. As a result of an argument, he suffered stab wounds to the posterior aspect of the neck and the upper aspect of the chest wall and the lower portion of the chest and in the abdomen. He received excellent care. His intoxication at the time was not felt by the Board as justification for reducing the award pursuant to Section 25. The victim was an alcoholic. Total award $2,450.00 paid to solicitor in trust. (Pain and Suffering $2,000.00)

7/83-258 - The applicant, a female student 18 years of age, was indecently assaulted on the way home from babysitting. There was no extensive physical injury, but she suffered considerable emotional disturbance. Total award $2,300.00 (Pain and Suffering $1,000.00)

9/83-264 - The applicant, a male, had been drinking heavily and was going from bar to bar. Without warning, he was stabbed by a drinking companion. He has been left with a bad scar on his neck. The Board applied Section 25 to the extent of one third and made a total award of $4,200.00 (Pain and Suffering $1,500.00)

Summary of Disallowed Applications

8/82-94 - The applicant, a boy ten years of age, lost an eye as a result of a struggle with another youth. The Family Court Judge acquitted the assailant because it would have been very difficult for him to prove the intent to cause grievous bodily harm. The Board referred to the practice of the English Board and was unable to find that a criminal offence had been committed. It made no award. The matter is presently under consideration by the Nova Scotia Appeal Division. Costs were awarded to the solicitor notwithstanding that no award was made to the applicant.

8/82-102 - The applicant, a woman, was stabbed twice in the chest and once in the hand. She underwent a life-threatening situation. The assailants were convicted of attempted murder and sentenced to imprisionment for five years. The applicant admitted that she had been "high" and was feeling pretty good. She had had seven or eight draft beer, three or four hash oil joints and a whiskey. She had, to

some extent, pursued her assailants unreasonably and the Board held that she was most imprudent in her conduct and that she would not have been involved in the altercation and subsequent injury had she not rendered herself incapable of rational conduct by using alcohol and drugs. The Board considered the conduct of the applicant to be of such serious nature as to disentitle her to any award. This decision is presently under appeal.

9/82-109 - The applicant, 24 years of age, employed in various capacities, was seriously injured when struck by a rock thrown by assailant who was afraid of the applicant. A jury acquitted the assailant of any criminal charge. The Board did not feel that this was a matter in which it should make an award based on Section 20. The application was dismissed.

10/82-114 - The applicant, a divorced woman, unemployed, was assaulted by her two friends, with whom she was living. Her left hand was crushed, her arm was twisted and she was kicked in the left thigh. There were no fractures or dislocations. The assailant was charged under Section 245(2) of the Criminal Code, assault causing bodily harm, but the applicant did not attend trial, and as a result the Crown had no evidence and the assailant was released. Charges against him were dismissed for lack of evidence. The Board applied Section 25 of the Compensation for Victims of Crime Act which in summary directs that when making an order, the Board shall take into account all circumstances that it considers relevant to the making of an order. The Board was of the opinion that no one should benefit from public funds if he or she is not prepared to play his or her part in the preservation of law and order and makes no effort to bring an offender to justice. The Board considered the failure of the applicant to attend the trial of the assailant concerning which she had been given appropriate and usual notice as a circumstance material to her claim and did not make an order for compensation.

11/82-122 - The applicant was injured when her horse was frightened by a low-flying airplane. The pilot was charged with an offence against Section 534(b) of the Air Regulations pursuant to the Aeronautics Act: unlawfully flying an aircraft at an altitude of less than 500 feet, and unlawfully operating an aircraft in such a reckless manner as to endanger or be likely to endanger the life or property of any person contrary to Section 520(1) of the Air Regulations made pursuant to the Aeronautics Act. The applicant applied to the Board, alleging that the operator of the aircraft was guilty of an offence contrary to Section 176(2) of the Criminal Code (common nuisance causing harm), which is one of the offences listed in the Schedule to the Compensation for Victims of Crime Act. The pilot was acquitted of the charges under the Aeronautics Act. The Board was of the opinion that flying the aircraft was not an unlawful act and it could not find that the pilot had breached a legal

duty in flying his aircraft in that area and at that particular time. The Board did not feel this was an appropriate case for the payment of compensation.

12/82-130 - A 42-year-old real estate broker suffered a serious jaw injury. Before the Board he stated that he had been kicked and punched by assailants unknown to him when he parked his vehicle at a parking lot after 1:00 a.m. The police gave evidence that the applicant had approached them on the same evening prior to midnight. He seemed to be intoxicated and he stated that he wished to surrender the keys of his vehicle to the police. He stated he had been punched or mugged but required no assistance from the police, as he would take care of the matter himself. The police offered to take the applicant to a hospital, but drove him to his home after he refused to go to hospital. The officers returned to their Detachment office by 1:00 a.m. The application was dismissed for lack of sufficient evidence, although the Board ordered payment of $65.00 for medical reports.

12/82-136 - A single, 29-year-old farm labourer was shot in the abdomen, requiring a stay in the hospital of 26 days and considerable skin grafting. The assailant was convicted of discharging a firearm contrary to Section 228(a) of the Criminal Code and given two years probation. The applicant, within five hours prior to the assault, had consumed one-half to three-quarters of a quart of rum and immediately before the assault was carrying a shotgun. The Board was of the opinion that the victim initiated a chain of events which resulted in his own injury. It therefore declined to order compensation.

12/82-146 - A 24-year-old married man claimed to have been assaulted in a public washroom and to have suffered a complex fracture of the jaw, injury to a knee cap, and torn ligaments. He experienced pain and suffering and loss of employment income. The applicant failed to attend at the hearing of the criminal charge arising out of the assault. He also failed to appear at the Board for the hearing of his application. The matter was dismissed so far as compensation to the applicant was concerned, although an order was made for payment of a medical report.

1/83-176 - A single male, 29 years of age, was assaulted in a tavern. He suffered cuts to the head and considerable dental injury. The applicant felt he didn't have any reason to contact the police. The Board felt that a conscientious victim is under obligation to report incidents such as this one. The applicant stated that he would have reported it if it was to obtain the results he wanted, that is to say, compensation for his injury. The Board did not make an award.

1/83-178 - The applicant claimed to have been raped by a man whose name she did not know and to have suffered physical and

mental injuries. The applicant did not attend the hearing. The Board secured the attendance of a police constable, who gave evidence that she was unable, as a result of numerous interviews with the applicant and witness, to convince herself that the rape complained of had actually taken place. The Board declined to make an order for compensation.

3/83-182 - The applicant made application to the Board, complaining of an assault. Proof was provided at the hearing that appropriate notice had been given to the applicant, who failed to appear. The police did not have any report of the events by the applicant concerning his alleged assault and injury. The Board made no order for compensation on the basis of non-cooperation by the victim with the police or the Board, as well as on the absence of evidence before it to confirm the allegations set forth in the application.

3/83-193 - The applicant failed to appear before the Board, although hearing notice had been forwarded to him as required, summons were sent to witnesses, and witness fees were paid. The Board ordered the matter be dismissed at the end of ten days from that date unless satisfactory explanation had been received from the applicant during that time. No explanation has been received. The matter currently stands dismissed, although the Board ordered payment of witness fees $68.00, and $50.00 for a medical report.

5/83-223 - A 30-year-old female was involved in an altercation with her neighbours and suffered a commuted fracture of the distal end of the clavical involving the AC joint. She was unable to carry out her usual employment and suffered loss of wages in the amount of $1,170.00. She also had considerable pain and suffering. Her assailant was charged with an offence contrary to Section 245(1)(b), but the County Court Judge in his decision stated that both the victim and her assailant were drinking heavily and he was not satisfied that the injury sustained by the applicant stemmed entirely from the altercation. He found the assailant not guilty. In the light of the Judge's decision, the Board determined that this was not a proper matter for compensation, notwithstanding the provisions of Section 20, and no award was made.

5/83-229 - A male, 64 years of age. was accosted at night by three men, who started to kick him and rough him up. He fought back until one man pulled a knife, at which time he stopped struggling, and the three men held him as one man took his wallet. The assailants then disappeared and have not since been identified. The applicant described himself as "feeling okay" as a result of drinking, but not "stumbling drunk". The contents of the wallet amounted to $200.00 in cash. The applicant suffered abrasions and contusions to the right index finger and swelling and stiffness of the same. The abrasions were cleaned, the finger was placed in a splint for a week.

He had some residual tenderness of flexion in the right joint for a month or so afterwards. The splint was removed after one week, and he suffered no loss of income. The applicant had some trouble sleeping because he was thinking of the accident, and he decided that he would not walk in that area again. The Board held that the principal loss was the loss of the contents of his wallet and that compensation for the injury amounted to less than $100.00, the Board's minimum, according to Section 6(3). No award was made.